

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fred Sahadi, individually and as Trustee
of the Fred Sahadi Revocable Living
Trust,

Complainant,

vs.

San Jose Water Company (U168W),

Defendant.

Case 19-04-005

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline for completion of this proceeding to December 4, 2020.

1. Background

Public Utilities Code (Pub. Util. Code) § 1701.2(i) provides that the Commission shall resolve the issues raised in the scoping memo of an adjudicatory proceeding within 12 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met, and issues an order extending that deadline. In this proceeding, the current deadline for resolving this complaint proceeding was October 4, 2020.

On April 5, 2019, the complainant, Fred Sahadi, acting in both his capacity as trustee of the Fred Sahadi Living Trust and as an individual (together, Sahadi), filed a complaint for an order establishing a reasonable allocation of the costs for replacing a portion of respondent San Jose Water Company's (SJWC) water main under Santella Drive in the Town of Los Gatos. The water main needed replacement to accommodate the road plan for a housing development that Mr. Sahadi is building adjacent to Santella Drive. Sahadi complains that certain acts and failures to act by SJWC, related to the replacement of the water main, violated the California Public Utilities Code and he asks that SJWC be ordered to bear the entire cost of replacement. Three versions of the complaint were filed, each one modified to account for activities that had taken place since the prior version of the complaint was filed. An answer to the final version of the complaint was filed by respondent on June 27, 2019.

On November 26, 2019, the assigned Commissioner issued her Scoping Memo. She set January 27 – 28, 2020 as the dates for an evidentiary hearing and February 4 and 11, 2020 for concurrent opening and closing briefs to be filed. A prehearing conference was held on January 9, 2020 at which the assigned Administrative Law Judge (ALJ) Charles Ferguson reset the dates for opening and closing briefs to February 7 and 14, 2020, respectively. PHC Tr., January 9, 2020, at 34, lines 16-23.

At the close of the evidentiary hearing on January 28, 2020, counsel for the Complainant Sahadi, requested a further continuance of the briefing schedule to accommodate a personal family matter of importance; the ALJ granted the request and extended the briefing schedule so that final post-hearing briefs from the parties were filed on February 28, 2020. EH Tr., January 28, 2020, at 287, lines 1-10. Thereafter, the Covid-19 pandemic appeared in California further complicating the completion of this matter.

Therefore, an extension of time to December 4, 2020 is necessary to allow the ALJ enough time to prepare the Presiding Officer's Decision (POD) and serve

it on the parties. Pursuant to Rule 14.4(a) of the Commission's Rules of Practice and Procedure parties may file an appeal of the POD 30 days of the date the POD is served. Pursuant to Rule 14.4(b) a Commissioner may file a request for review of the POD within the 30 days of the date the POD is served.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of the proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

3. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Charles Ferguson is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. On April 5, 2019, this complaint case was filed by Fred Sahadi, on his own behalf and on behalf of the Fred Sahadi Living Trust. The complaint was amended twice thereafter to take into account pertinent developments that occurred after each of the first two versions of the complaint were filed. An answer to the third and final version of the complaint was not filed until June 27, 2019.

2. A PHC was held on August 20, 2019 and another PHC was held on December 19, 2019.

3. On November 26, 2019, the assigned Commissioner issued her scoping memo and ruling.

4. Two days of evidentiary hearings were held on January 27- 28, 2020 in San Francisco, California.

5. Opening and closing briefs were due on February 7 and February 28, 2020, respectively.

6. An extension of the statutory deadline by two months to December 4, 2020 is necessary to complete review of the issues raised in the third version of the complaint; and to allow the ALJ enough time to prepare the POD and serve it on the parties.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline for this proceeding should be extended to December 4, 2020.

IT IS ORDERED that the statutory deadline for this proceeding is extended until December 4, 2020.

This order is effective today.

Dated _____, at San Francisco, California.